

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )

MOBILEMEDIA CORPORATION )

Applicant for Authorizations )  
and Licenses of Certain Stations )  
in Various Services )

WT Docket No. 97-115

To: The Commission

**MOBILEMEDIA, INC.'S CONSOLIDATED COMMENTS  
ON THE PETITIONS FOR PARTIAL RECONSIDERATION,  
CLARIFICATION OR SPECIAL RELIEF**

MobileMedia Corporation and its licensee subsidiaries, debtors-in-possession ("MobileMedia"), by their attorneys and pursuant to 47 C.F.R. § 1.106, hereby submits the following consolidated comments on five Petitions for Partial Reconsideration and/or Clarification ("Petitions")<sup>1</sup> of the Commission's June 6, 1997 Order in the above-captioned docket.<sup>2</sup>

<sup>1</sup> See Petition of Santo J. Pittsman for Clarification or, in the Alternative, Reconsideration of the Commission Order of June 6, 1997 ("Pittsman Petition"); Emergency Petition for Limited Reconsideration or Clarification, filed by Western Wireless Corporation ("Western Wireless Petition"); Petition for Partial Reconsideration, filed by Triad Cellular Corporation ("Triad Petition"); Motion of Mark L. Witsaman for Reconsideration and/or Clarification of Paragraphs 17 and 18 of the Commission's June 6, 1997 Order, Or, In the Alternative, For Other Relief ("Witsaman Motion"); Motion of Debra P. Hilson for Reconsideration and/or Clarification of Paragraphs 17 and 18 of the Commission's June 6, 1997 Order, Or, In the Alternative, For Other Relief ("Hilson Motion").

<sup>2</sup> In the Matter of MobileMedia Corporation, et al., Order, FCC 97-197 (June 6, 1997) ("Stay Order").

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The Commission's Stay Order granted a 10-month stay of the above-captioned hearing to allow MobileMedia to pursue a transfer consistent with the Commission's Second Thursday doctrine.<sup>3</sup> That stay was based, in part, on the acknowledgment that there existed "unquestionably a danger of severe harm to a multitude of innocent creditors." Stay Order ¶ 13. In fact, MobileMedia has thousands of innocent creditors to whom in excess of \$1.1 billion is owed, including public holders of unsecured MobileMedia bonds such as pension funds, mutual funds and life insurance companies. Had the Commission denied the stay and proceeded with the hearing, MobileMedia's paging business would likely have suffered material and irreparable damage. The Stay Order, however, has allowed MobileMedia to proceed in developing a reorganization plan before the bankruptcy court and to pursue a transfer consistent with the Second Thursday doctrine.

In addressing the Petitions, MobileMedia strongly urges the Commission to take no action on the subject petitions that would in any way jeopardize or alter the stay. Since the Commission issued this stay on June 6, 1997, nothing has occurred that would change the public interest calculus that the Commission used in granting the stay or would otherwise merit lifting or altering the terms of the stay. Moreover, MobileMedia has complied fully with the detailed requirements set down in the Stay Order and has been cooperative in ongoing discussions with the Commission and other parties to the proceeding. On July 7, 1997, MobileMedia submitted to the Commission the first of its monthly status reports, required under Paragraph 19 of the Stay Order, which details the progress made in the Company's

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<sup>3</sup> See Second Thursday Corp., 25 FCC 2d 112, 114-115 (1970); see also, Oyate, Inc., 3 FCC Rcd 6759, 6760 (1988).

restructuring efforts as closely guided and monitored by the bankruptcy court in its ongoing proceeding. As the Company works steadily towards reorganization under the bankruptcy laws and a solution under the Second Thursday doctrine, the substantial safeguards put in place by the Stay Order and the bankruptcy court will help ensure that MobileMedia's plan of reorganization will fully comply with the Second Thursday precedent.

In this regard, it should be noted that each of the petitioners specifically supports the continuation of the stay. The relief requested in the Petitions focuses instead on the list of "potential wrongdoers" established under Paragraphs 17 and 18 of the Stay Order, and the restrictions placed upon individuals on that list. The petitioners urge the Commission to develop a process under which innocent individuals may be removed from the list, or may be relieved of some or all of the restrictions attached to the list.<sup>4</sup>

As long as the process does not endanger the stay, MobileMedia does not the clarifications suggested in the petitions and the development of an informal process by which individuals on the list may demonstrate that they should not be considered "wrongdoers," and therefore should be removed from the list.<sup>5</sup> In fact, since the Stay Order was issued, MobileMedia's attorneys have been involved in discussions among parties and the General Counsel's Office regarding the appropriate scope of the list, and the possible removal of innocent individuals' names.<sup>6</sup>

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<sup>4</sup> See e.g. Hilson Motion, 4-5.

<sup>5</sup> MobileMedia notes that the Commission itself has described the individuals on the "Paragraph 18" list as "potential," rather than "suspected" wrongdoers. "Suspected" wrongdoers is the standard under the Second Thursday doctrine.

<sup>6</sup> MobileMedia recognizes that meetings on these matters meetings have grown to include a  
(Continued...)

This new process can be an informal one and need not address the full scope of issues originally designated for hearing by the Commission. MobileMedia further suggests that this process can be carried out without jeopardizing the assurance that no wrongdoer will benefit as a result of this stay or any subsequent transaction pursuant to Second Thursday.

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number of parties. However, the company will continue to cooperate and will remain a ready participant in any such discussions in the future.

In conclusion, MobileMedia submits that any modification of the Stay Order that endangers or lifts the stay would jeopardize the considerable public interest benefits that merited staying the hearing process in the first place. MobileMedia does, however, support the development of an informal process that would allow individuals to be considered for removal from the "Paragraph 18" list.

Respectfully submitted,

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July 14, 1997

## **CERTIFICATE OF SERVICE**

I hereby certify that on this 14th day of July, 1997, I caused copies of the foregoing  
“MobileMedia Inc.'s Consolidated Comments on the Petitions for Reconsideration” to be  
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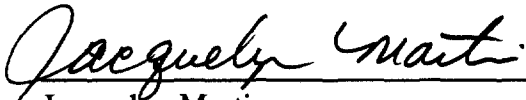
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